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**OFFICIAL****Docket No. 2138.001B****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
CENTRAL FAX CENTER  
JUN 09 2004**

**Applicant:** Murphy et al. **Confirmation No.:** 7437  
**Serial No.:** 10/661,292 **Group Art Unit:** 3673  
**Filed:** September 12, 2003 **Examiner:** Fredrick C. Conley  
**Title:** COMPOSITE FIRE BARRIER AND THERMAL INSULATION FABRIC FOR  
MATTRESSES AND MATTRESS FOUNDATIONS

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile to  
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, at  
facsimile no. 1-703-872-9306 on June 9, 2004.

*Mary Louise Cloent*  
Mary Louise Cloent, Esq.  
Attorney for Applicant(s)  
Registration No. 41,779

Date of Signature: June 9, 2004

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

FAX NO.: 1-703-872-9306  
No. of Pages: 15

**REQUEST FOR REFUND**

Sir:

This paper is a request for a refund of the \$180.00 charge to PTO Deposit Account No. 08-1935, on May 12, 2004, for the filing of an Information Disclosure Citation. A copy of the PTO Deposit Account Statement, showing the charge in question is attached Exhibit A.

Applicant filed a Transmittal of Information Disclosure Statement Under 37 CFR § 1.97(c), Statement Under 37 CFR § 1.97(e) Accompanying Information Disclosure Statement, and an

***Docket No. 2138.001B***

Supplemental Information Disclosure Citation on March 24, 2004, copies of which are attached hereto as Exhibit A.

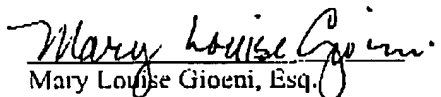
As indicated on the attached Statement Under 37 CFR § 197(e) Accompanying Information Disclosure Statement, each of the references identified on the Supplemental Information Disclosure Citation were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. Attached, as Exhibit B, is a copy of the Notification of Transmittal of International Search Report for the corresponding International Application, PCT/US03/31068, dated February 18, 2004. The Supplemental Information Disclosure Citation was filed within three months of receipt of the International Search Report, and all of the documents cited in the Supplemental Information Disclosure Citation were listed cited in the International Search Report.

As evidenced above, and by the attached exhibits, PTO Deposit Account No. 08-1935 should be credited in the amount of \$180.00 for the Information Disclosure Citation charged to the account on May 12, 2004, and such refund is respectfully requested.

If a telephone conference would be of assistance in advancing refund of the fee in question, please contact the undersigned attorney at the to telephone him at the number provided below.

*Respectfully submitted,*

Dated: June 9, 2004

  
Mary Louise Gioeni, Esq.  
Attorney for Applicant  
Registration No. 41,779

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**  
5 Columbia Circle  
Albany, New York 12203  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579

## Deposit Account Statement

Exhibit A

Page 1 of 2


**United States  
Patent and  
Trademark Office**
**Deposit Account Statement**

**Requested Statement Month:** May 2004  
**Deposit Account Number:** 081935  
**Name:** HESLIN & ROTHENBERG P C  
**Attention:**  
**Address:** 5 COLUMBIA CIRCLE  
**City:** ALBANY  
**State:** NY  
**Zip:** 12203

| DATE    | SEQ  | POSTING<br>REF TXT | ATTORNEY<br>DOCKET<br>NBR | FEE<br>CODE | AMT         | BAL        |
|---------|------|--------------------|---------------------------|-------------|-------------|------------|
| 05/04   | 91   | 6144191            | 1090.010                  | 2551        | \$455.00    | \$1,756.00 |
| 05/06   | 55   | 0136310616         | 2035.010                  | 8014        | \$25.00     | \$1,731.00 |
| 05/06   | 56   | 0133320506         | 2035.009                  | 8014        | \$25.00     | \$1,706.00 |
| 05/07   | 72   | 76588211           |                           | 6001        | \$335.00    | \$1,371.00 |
| * 05/12 | 3    | 10661292           | 2138.001B                 | 1806        | \$180.00    | \$1,191.00 |
| 05/12   | 49   | E-REPLENISHMENT    |                           | 9203        | -\$2,000.00 | \$3,191.00 |
| 05/12   | 1119 | 78417218           | 1332.052                  | 7001        | \$335.00    | \$2,856.00 |
| 05/17   | 1350 | 76476576           | 0097.149                  | 7004        | \$150.00    | \$2,706.00 |
| 05/20   | 89   | 6152863            | 1465.001                  | 2551        | \$455.00    | \$2,251.00 |
| 05/20   | 90   | 6151953            | 0103.052                  | 2551        | \$455.00    | \$1,796.00 |
| 05/20   | 91   | 6163935            | 1605.002A                 | 2551        | \$455.00    | \$1,341.00 |
| 05/21   | 23   | 10830697           | 1955.003                  | 8021        | \$40.00     | \$1,301.00 |
| 05/21   | 24   | 10714692           | 2347.001                  | 8021        | \$40.00     | \$1,261.00 |
| 05/21   | 60   | 2709598            | 0454.009                  | 8521        | \$40.00     | \$1,221.00 |
| 05/21   | 61   | 2709598            | 0454.009                  | 8522        | \$100.00    | \$1,121.00 |
| 05/24   | 2    | 10046616           | 1073.035A                 | 1201        | \$430.00    | \$691.00   |
| 05/24   | 3    | 10046616           | 1073.035A                 | 1203        | \$290.00    | \$401.00   |
| 05/24   | 577  | 2098895            |                           | 8521        | \$40.00     | \$361.00   |
| 05/25   | 60   | E-REPLENISHMENT    |                           | 9203        | -\$3,000.00 | \$3,361.00 |
| 05/25   | 104  | 6167955            | 0097.061                  | 2553        | \$1,610.00  | \$1,751.00 |
| 05/25   | 109  | 6161939            | 0816.008                  | 2551        | \$455.00    | \$1,296.00 |
| 05/27   | 176  | 60334622           | 2035.009ASG               | 8007        | \$20.00     | \$1,276.00 |
| 05/27   | 224  | 60334662           | 2035.010ASG               | 8007        | \$20.00     | \$1,256.00 |
| 05/27   | 895  | 78425905           | 2418.002                  | 7001        | \$335.00    | \$921.00   |
| 05/27   | 1017 | 78071434           | 1365.002                  | 7004        | \$150.00    | \$771.00   |
| 05/28   | 20   | E-REPLENISHMENT    |                           | 9203        | -\$4,000.00 | \$4,771.00 |
| START   |      |                    | SUM OF                    | SUM OF      | END         |            |

JUN. -09' 04 (WED) 16:34

HESLIN ROTHENBERG

TEL: 518 452 5579

P. 004

Exhibit B

2138.001B

APR - 1 2004

Applicant: Murphy et al.

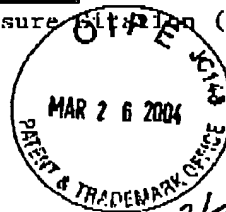
Serial No.: 10/661,292

Filing Date: September 12, 2003

Title: COMPOSITE FIRE BARRIER AND THERMAL INSULATION FABRIC  
FOR MATTRESSES AND MATTRESS FOUNDATIONS

Enclosed:

- \* Transmittal of Information Disclosure Statement (3 pages);
- \* Supplemental Information Disclosure Statement (1 page) with Six (6) cited references;
- \* Return Receipt Postcard.



2138.001B/MLG/den

Date Mailed: 3/24/04  
Due Date: 05/18/04

Exhibit B

Sheet 1 of 1

|   |                          |                       |
|---|--------------------------|-----------------------|
| SUPPLEMENTAL<br>INFORMATION DISCLOSURE CITATION | Docket N . 2138.001B     | Serial No. 10/661,292 |
|   | Applicant: Murphy et al. |                       |
|   | Filing Date: 09/12/03    | Group: 3673           |

| U.S. PATENT DOCUMENTS |  |                 |            |                  |       |          |                            |
|-----------------------|--|-----------------|------------|------------------|-------|----------|----------------------------|
| Examiner Initial      |  | Document Number | Date       | Name             | Class | Subclass | Filing Date If Appropriate |
|                       |  | 5,279,878       | 01/18/1994 | Föttinger et al. | 428   | 102      |                            |
|                       |  | 5,645,926       | 07/08/1997 | Horrocks et al.  | 442   | 234      |                            |
|                       |  | 5,935,882       | 08/10/1999 | Fujita et al.    | 442   | 247      |                            |
|                       |  |                 |            |                  |       |          |                            |
|                       |  |                 |            |                  |       |          |                            |
|                       |  |                 |            |                  |       |          |                            |

| FOREIGN PATENT DOCUMENTS |  |                 |            |                |       |          |             |    |
|--------------------------|--|-----------------|------------|----------------|-------|----------|-------------|----|
|                          |  | DOCUMENT NUMBER | Date       | Country        | Class | Subclass | Translation |    |
|                          |  |                 |            |                |       |          | Yes         | No |
|                          |  | GB 2293572 A    | 04/03/1996 | United Kingdom |       |          |             |    |
|                          |  |                 |            |                |       |          |             |    |
|                          |  |                 |            |                |       |          |             |    |
|                          |  |                 |            |                |       |          |             |    |
|                          |  |                 |            |                |       |          |             |    |

| Other Documents (including Author, Title, Date, pertinent public. etc.) |   |  |
|---|---|--|
| CC  | Itzhak et al., "Predicting The Thermal Protective Performance Of Heat-Protective Fabrics From Basic Properties", ASTM Spec. Tech. Publ. 1986 ASTM, Philadelphia, PA, 1986 pp. 358-375 (Abstract only)   |  |
| CD  | Horrocks, Richard A, "Developments In Flame Retardants For Heat And Fire Resistant Textiles The Role of Char Formation And Intumescence" Polym Degradation Stab; Polymer Degradation and Stability Nov-Dec 1996 Elsevier Science Ltd, Oxford, England vol. 54, no. 2-3, September 1995 pp. 143-154. (Abstract only) |  |
| CE  |   |  |
| CF  |   |  |
| CG  |   |  |
| CH  |   |  |

|          |                 |
|----------|-----------------|
| Examiner | Date Considered |
|----------|-----------------|

Exhibit B

| TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT<br>(Under 37 CFR 1.97(b) or 1.97(c))   |                         |                                | Docket No.<br>2138.001B                       |
|--|-------------------------|--------------------------------|---|
| In Re Application Of: Murphy et al.  |                         |                                |   |
| Serial No.<br>10/661,292   | Filing Date<br>09/12/03 | Examiner<br>Fredrick C. Conley | Group Art Unit<br>3673                        |
| Title: COMPOSITE FIRE BARRIER AND THERMAL INSULATION FABRIC FOR<br>MATTRESSES AND MATTRESS FOUNDATIONS   |                         |                                |   |
| Address to:<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450  |                         |                                | RECEIVED<br>CENTRAL FAX CENTER<br>JUN 09 2004 |
| <b>37 CFR 1.97(b)</b>  |                         |                                |   |
| 1. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114. |                         |                                |   |
| <b>37 CFR 1.97(c)</b>  |                         |                                |   |
| 2. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:   |                         |                                |   |
| <input checked="" type="checkbox"/> the statement specified in 37 CFR 1.97(e);   |                         |                                |   |
| OR   |                         |                                |   |
| <input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).  |                         |                                |   |

Exhibit 15

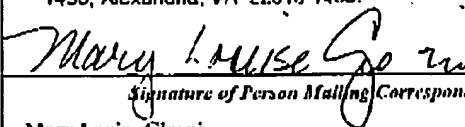
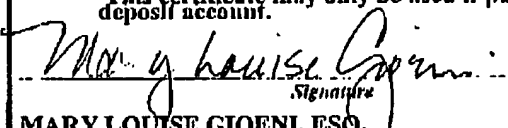
|   |                         |   |                         |
|---|-------------------------|---|-------------------------|
| <b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b><br>(Under 37 CFR 1.97(b) or 1.97(c))   |                         |   | Docket No.<br>2138.001B |
| In Re Application: Murphy et al.  |                         |   |                         |
| Serial No.<br>10/661,292  | Filing Date<br>09/12/03 | Examinor<br>Fredrick C. Conley  | Group Art Unit<br>3673  |
| <b>COMPOSITE FIRE BARRIER AND THERMAL INSULATION FABRIC FOR<br/>MATTRESSES AND MATTRESS FOUNDATIONS</b>   |                         |   |                         |
| <b>Payment of Fee</b><br>(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))   |                         |   |                         |
| <input type="checkbox"/> A check in the amount of _____ is attached.<br><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 08-1935<br>as described below.<br><input type="checkbox"/> Charge the amount of _____<br><input checked="" type="checkbox"/> Credit any overpayment.<br><input checked="" type="checkbox"/> Charge any additional fee required.                              |                         |   |                         |
| <b>Certificate of Transmission by Facsimile*</b>  |                         | <b>Certificate of Mailing by First Class Mail</b>   |                         |
| I certify that this document and authorization to charge deposit<br>account is being facsimile transmitted to the United States<br>Patent and Trademark Office (F.<br><br>_____<br>(Date)<br><br>_____<br>Signature<br><br>_____<br>Typed or Printed Name of Person Signing Certificate   |                         | I certify that this document and fee is being deposited<br>on <u>3/24/04</u> with the U.S. Postal Service<br>as first class mail under 37 C.F.R. 1.8 and is<br>addressed to the Commissioner for Patents, P.O. Box<br>1450, Alexandria, VA 22313-1450.<br><br><br>_____<br>Signature of Person Mailing Correspondence<br>Mary Louise Gioeni<br>_____<br>Typed or Printed Name of Person Mailing Certificate |                         |
| <p>*This certificate may only be used if paying by deposit account.</p> <p> _____</p> <p>MARY LOUISE GIOENI, ESQ.</p> <p>Attorney for Applicants - Registration No. 41,779</p> <p>HESLIN ROTHENBERG FARLEY &amp; MESITI P.C.</p> <p>5 Columbia Circle</p> <p>Albany, New York 12203</p> <p>Telephone: 518-452-5600</p> <p>Facsimile: 518-452-5579</p> <p>CC:</p> |                         |   |                         |
|   |                         | Dated: 3/24/04  |                         |



Exhibit B

| STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING<br>INFORMATION DISCLOSURE STATEMENT  |                         |                       | Docket No.<br>2138.001B |
|--|-------------------------|-----------------------|-------------------------|
| In R Application Of: Murphy et al.   |                         |                       |                         |
| Serial No.<br>10/661,292   | Filing Date<br>09/12/03 | Examiner<br>F. Conley | Group Art Unit<br>3673  |
| Invention: COMPOSITE FIRE BARRIER AND THERMAL INSULATION FABRIC FOR<br>MATTRESSES AND MATTRESS FOUNDATIONS   |                         |                       |                         |
| <p style="text-align: center;"><u>TO THE COMMISSIONER FOR PATENTS:</u></p> <p>This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.</p> <p>Check applicable statement herebelow:</p> <p style="text-align: center;">Statement Under 37 CFR 1.97(e)(1)</p> <p><input checked="" type="checkbox"/> Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.</p> <p style="text-align: center;">Statement Under 37 CFR 1.97(e)(2)</p> <p><input type="checkbox"/> No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.</p> <p><u>Mary Louise Gieni</u>      Dated: 3/24/04<br/>Signature</p> <p>Mary Louise Gieni, Esq.<br/>Attorney for Applicants - Registration No. 41,779</p> <p>HESLIN ROTHENBERG FARLEY &amp; MESITI P.C.<br/>5 Columbia Circle<br/>Albany, New York 12203<br/>Telephone: 518-452-5600<br/>Facsimile: 518-452-5579</p> <p>cc:</p> <div style="border: 1px solid black; padding: 5px;"><p style="text-align: center;"><b>Certificate of Mailing by First Class Mail</b></p><p>I certify that this document is being deposited on<br/>3/24/04 with the U.S. Postal Service as first<br/>class mail under 37 C.F.R. 1.8 and is addressed to the<br/>Commissioner for Patents, P.O. Box 1450, Alexandria, VA<br/>22313-1450.</p><p><u>Mary Louise Gieni</u><br/>Signature of Person Mailing Correspondence</p><p>Mary Louise Gieni<br/>Typed or Printed Name of Person Mailing Correspondence</p></div> |                         |                       |                         |

P10C/REV02

*Exhibit C*  
**TENT COOPERATION TREATY**

**PCT**

**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION**

(PCT Rule 44.1)

From the INTERNATIONAL SEARCHING AUTHORITY

|  |
|--|
| To:<br>HESLIN ROTHENBERG FARLEY<br>& MESITI P.C.<br>Alen. Gioani, Mary L.<br>5 Columbia Circle<br>Albany, NY 12203<br>UNITED STATES OF AMERICA |
|--|

|  |  |
|--|--|
| Date of mailing<br>(day/month/year)                  | 18/02/2004   |
| Applicant's or agent's file reference<br>2138.001BWO | <b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below   |
| International application No.<br>PCT/US 03/31060     | International filing date<br>(day/month/year) 01/10/2003 |
| Applicant<br>SPUNGLID, INC.                          |  |

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO  
 34, chemin des Colombettes  
 1211 Geneva 20, Switzerland  
 Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the International application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.O. 5818 Patentlaan 2  
 NL-2280 HV Rijswijk  
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
 Fax: (+31-70) 340-3010

Authorized officer

Panayota Georgakopoulou

Exhibit C

(2138.001B)

**NOTES TO FORM PCT/ISA/220**

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

**INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19**

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

**What parts of the international application may be amended?**

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When?**

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

**Where not to file the amendments?**

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been filed, see below.

**How?**

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

**What documents must/may accompany the amendments?****Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

Exhibit C

(2138.0018)

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14, claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

**"Statement under article 19(1)" (Rule 46.4)**

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)".

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

**Consequence if a demand for international preliminary examination has already been filed**

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

**Consequence with regard to translation of the international application for entry into the national phase**

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

Exhibit C  
TENT COOPERATION TREATY  
**PCT**

(2138.001A)

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## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

|  |   |   |
|--|---|---|
| Applicant's or agent's file reference<br>2138.001BWO | <b>FOR FURTHER ACTION</b> see Notification of Transmittal or International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below. |   |
| International application No.<br>PCT/US 03/31058     | International filing date (day/month/year)<br>01/10/2003  | (Earliest) Priority Date (day/month/year)<br>01/10/2002 |
| Applicant<br>SPUNGOLD, INC.                          |   |   |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 04 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application (furnished to this Authority (Rule 23.1(b))).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

- b. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure or the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

Form PCT/ISA/210 (first sheet) (July 1998)

*Exhibit C*  
INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US 03/31068

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 B32B5/26 A47C27/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 B32B A47C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data bases consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, COMPENDEX

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No.       |
|------------|--|-----------------------------|
| P, X       | WO 03/023108 A (HANDERMANN ALAN C ;<br>CARPENTER CO (US); MATER DENNIS L (US);<br>BASOFIL FI) 20 March 2003 (2003-03-20)<br>page 6, line 13; claims<br>1,9,22,24,39,41,42; example I | 1-4,7,8,<br>10-15,<br>17,20 |
| X          | US 5 935 882 A (WAKUTA YOSHIO ET AL)<br>10 August 1999 (1999-08-10)<br>column 3, line 40 - column 4, line 12;<br>claim 1; figure 1; examples 1-3                                     | 1-6,8                       |
| X          | DE 40 18 727 A (FREUDENBERG CARL)<br>26 September 1991 (1991-09-26)<br>claims 1,4,5; example 1   | 1-3                         |
|            | -/--   |                             |

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another claim or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*1\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*B\* document member of the same patent family

Date of the actual completion of the international search

6 February 2004

Date of mailing of the international search report

18/02/2004

Name and mailing address of the ISA

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Authorized officer

Seiberlich, P

Form PCT/ISA/210 (Second edition) (July 1999)

Exhibit C  
INTERNATIONAL SEARCH REPORT

(2138.0013)

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International Application No  
PCT/US 03/31068

| C. (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT |   |                                 |
|---|---|---------------------------------|
| Category  | Citation of document, with indication, where appropriate, of the relevant passages  | Relevant to claim No.           |
| X   | US 5 645 926 A (HORROCKS ARTHUR ET AL)<br>8 July 1997 (1997-07-08)<br>column 4, lines 12-48; claims 1-4, 19-26;<br>table 1<br>column 5, line 54 - column 6, line 27<br>column 7, line 40 - column 8, line 13  | 1-4, 20                         |
| X   | GB 2 293 572 A (WILKIE J & D LTD)<br>3 April 1996 (1996-04-03)<br><br>page 1, paragraph 2; claims<br>1, 2, 4, 7, 9-11, 16; figures<br>page 4, paragraph 3 - page 5, paragraph 3<br>page 6, paragraph 2-4<br>page 9, paragraph 3<br>page 11, paragraph 3   | 1-4, 8,<br>10, 15,<br>16, 18-20 |
| A   | DATABASE COMPENDEX 'Online!<br>ENGINEERING INFORMATION, INC., NEW YORK,<br>NY, US;<br>SHALEV ITZHAK ET AL: "PREDICTING THE<br>THERMAL PROTECTIVE PERFORMANCE OF<br>HEAT-PROTECTIVE FABRICS FROM BASIC<br>PROPERTIES"<br>XP002269181<br>Database accession no. EIX87010011555<br>abstract<br>& ASTM SPEC TECH PUBL 1986 ASTM,<br>PHILADELPHIA, PA, USA, 1986, pages<br>358-375,  | 1-21                            |
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Form PCT/ISA/210 (continuation of second sheet) (July 1992)

*Exhibit C*  
**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International Application No

PCT/US 03/31068

| Patent document<br>cited in search report |   | Publication<br>date | Patent family<br>member(s) | Publication<br>date |
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Form PCT/ISA/210 (patent family annex) (July 1999)